Regulations of the student body of the Philipps-University Marburg concerning refunds of contributions to RMV and the General Students’ Committee semester ticket, NVV and the General Students’ Committee semester ticket, VGWS and the General Students’ Committee semester ticket, ticket for certain trains of long-distance transport and the usage of bicycle renting system “Call a Bike” in cases of hardship and concerning setting up a fund for cases of hardship

(regulations concerning cases of hardship)

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Content

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Part 1: refund entitlement

§ 1 refunding of the necessary contributions for the General Students’ Committee (German: AStA) semester ticket

§ 2 grounds for hardship

§ 3 Consequences of a claim for refund

Part 2: procedure until/for deciding the application

§ 4 application

§ 5 decision

§ 6 procedure for statements of opposition

§ 7 position for cases of hardship

§ 8 administrative costs

Part 3: documentation, data protection and inspection by RMV, NVV and VGWS

§ 9 file management, data protection, inspection of files, retention obligation

§ 10 RMV’s, NVV’s and VGWS’ right of inspection

§ 11 statistics

§ 12 fund for cases of hardship

§ 13 changes of previous laws; coming into effect
Part 1: refund entitlement

§ 1 refunding of the necessary contributions for the General Students’ Committee
(German: AStA) semester ticket

1 Students of the Philipps-University Marburg are obligated to pay their contribution for sustainable student mobility. 2 Regardless of the actual usage, they receive the following tickets for local public transport and long-distance transport in return, insofar as the corresponding contracts between the student’s body and the transport companies endure and are represented in the transport companies’ conditions of carriage. 3 The special conditions of the bicycle renting system “Call a Bike” are available for use for the students, regardless of the actual usage:

- RMV and General Students’ Committee semester ticket [valid for seven months (semester and previous month) in local public transport in the area of the transport association “Rhein-Main-Verkehrsverbund” (subsequently called RMV) including transitional areas to the transport association Rhein-Neckar],
- NVV and General Students’ Committee semester ticket [valid for seven months (semester and previous month) in local public transport in the area of the transport association “Nordhessischer Verkehrsverbund” (subsequently called NVV)],
- VGWS and General Students’ Committee semester ticket [valid for seven months (semester and previous month) in local public transport in the area of the transport association “Verkehrsgemeinschaft Westfalen Süd” (subsequently called VGWS) including the collar area in accordance with annex 22a of the VGWS’ fare conditions],
- ticket for certain ICs and ECs [valid for seven months (semester and previous month) in ICs and ECs of DB Fernverkehr AG between the border stations with long-distance traffic Bingen, Mainz, Wiesbaden, Siegen, Warburg, Göttingen, Heilbad Heiligenstadt, Eisenach, Gemünden (Main), Aschaffenburg, Heidelberg and Mannheim].
- Special conditions for the usage of the bicycle renting system “Call a Bike” [valid for six months (semester) for nationwide usage of the bicycle renting system “Call a Bike” of the DB Rent GmbH].

4 The five components named above will subsequently be grouped together as ‘semester ticket’.
5 In case a request has been submitted and grounds for hardship according to § 2 are recognized, the student body refunds a part of the contribution towards student mobility according to § 3.

§ 2 grounds for hardship

(1) 1 Students of the Philipps University Marburg can receive a refund on grounds according to paragraphs 2 and 3. 2 On the grounds which are listed in paragraph 2, refunding will be performed by the traffic associations (subsequently called traffic associations refund). 3 The cases of hardship which are listed in paragraphs 4 to 6 receive refunding through the fund for cases of hardship of the student body (subsequently called solidary refund).

(2) The General Students’ Committee can claim a refund after a justified request was submitted by a student in the following cases:

1. [Studies abroad] for students which demonstrably have to spent at least three months of the semester outside of Germany for their studies,
2. [internship outside of the area covered by the semester ticket] for students which stay at least three months outside of the area included in the semester ticket due to an internship,
3. [free transport because of a severe disability] for students which are entitled to free transport because of a severe disability in accordance with SGB IX and which proof they possess a disabled person’s pass with supplementary sheet and the associated badge,
4. [doctorate and exam candidature] for students doing their doctorate or students which have fulfilled the prerequisites to register for their final exam as confirmed by the examination office, whose residence and actual abode are outside of the area covered by the semester ticket, unless they are obligated to be present at their university location,
5. [semester on leave] for students which demonstrably are taking a semester on leave,
6. [double enrolment] for students enrolled at two universities with a semester ticket, the overall less expensive semester ticket considering all transitory rates can be refunded,
7. [health] for students which can prove through a medical certificate that they were unable to use transport in the area of the semester ticket for at least three months of the semester.

(3) The position for cases of hardship can grant a justified request for solidary refund in the following cases: on social grounds (paragraph 4), family work (paragraph 5) and care for relatives (paragraph 6).

(4) [social grounds] 1 Students who neither live with their parents nor in a domestic cohabitation (so-called ‘normal students’ within the meaning of the social survey conducted by the German Student Services) and whose adjusted income of the three months prior to submitting the request are in monthly average below the refund limit can request a solidary refund from the position for cases of hardship. 2 ‘Domestic cohabitation’ means living with a partner or child. The refund limit is 325 euros. 3 ‘Adjusted income’ is all income minus incurred deductible costs. The current assets including tangible assets must not exceed 10,000 euros.

4 ‘deductible costs’ are:
   1. Costs for health and long-term insurance,
   2. Enrolment costs,
   3. Actual rent up to 300 euros,
   4. In justified cases illness-related costs, such as doctor appointments (e.g. hospital costs, medical check-ups), non-refundable prescribed drug costs and medical aids in accordance with the catalogue of therapeutic appliances § 139 SGB V and
   5. In justified cases study-related costs, i.e. all compulsory learning resources, hidden tuition fees (for example occurring due to compulsory

1 A practical year or voluntary work equates an internship.
2 The General Students’ Committee Marburg and the refund office of the other university decide which office claims the refund.
3 In individual cases based on actual paid rent if there is credible evidence of the composition of the sum.
field trips or compulsory (lab) internships in accordance with respective study regulations) and
6. Repayment (claim) of credits and loans, but not repayment concerning the Federal Education and Training Assistance Act, the so-called Bundesausbildungsförderungsgesetz (BAföG).

5 In case the student lives in their family’s home without paying rent, the refund limit is reduced by half. 6 For students living in a domestic cohabitation, but not with their family nor a flat-sharing community, social grounds are applied, provided that on average every member of the domestic cohabitation only has an amount at their disposal which minus all deductible costs is below the refund limit. 7 Children are considered to be full members of the domestic cohabitation.

(5) [family work] 1 Students who have custody of at least one child and can substantiate this (e.g. by showing a birth certificate) can request a solidary refund if the distance between childcare and their place of residence is at least 3 kilometres, thus, they are dependent on a car in order to combine their studies and childcare and their assets (financial assets only) do not exceed 10,000 €.

(6) [care for relatives] 1 Students who can substantiate taking care of a close relative in accordance to § 14 SGB XI can request a solidary refund at the position for cases of hardship. 2 The evidence must be provided by the nursing insurance.

(7) 1 The position for cases of hardship informs about suitable documents as evidence for respective cases on the website of the student committee. 2 It informs about the income limit beyond which a solidary refund is possible (paragraphs 4 to 6). 3 Provided documents and all information of the position for cases of hardship shall at least be accessible in two languages (German and English).

§ 3 Consequences of a claim for refund

(1) 1 If there is a claim in accordance with § 2 paragraph 2 Nr. 1 [study abroad], 5 [semester on leave] and 7 [health], the contribution for sustainable student mobility, which are used for an expanded RMV and General Students’ Committee semester ticket, will be refunded. 2 In exchange any right to use transport will lapse.

(2) 1 If there is a claim in accordance with § 2 paragraph 3 [free transport because of a severe disability], paragraph 1 applies, providing that the student may choose upon submitting their request if they want to keep their right to use ICs and ECs. 2 In case they choose to keep it, the amount paid to DB Fernverkehr AG for the ticket for ICs and ECs will not be refunded.

(3) 1 If there is a case of hardship in accordance with § 2 paragraph 2 [internship outside of the area covered by the semester ticket], 3 [free transport because of a severe disability] and 4 [doctorate and exam candidature], paragraph 1 applies, providing that the student may choose upon submitting their request if they want to keep their right to use the special conditions for the usage of the bicycle renting system. 2 In case they choose to keep it, the amount paid for the special conditions for the usage of the bicycle renting system will not be refunded.

(4) 1 If there is a case of hardship in accordance with § 2 paragraph 6 [double enrolment], only the contribution paid to the respective transport company for the right to use transport will be refunded. 2 Only the right to use transport which was refunded will lapse.
(5) If there is a case of hardship in accordance with § 2 paragraph 4, 5 and 6, the contribution for sustainable student mobility, which are paid to the transport companies for the semester ticket will be refunded. The right to use transport as permitted by the semester ticket will not lapse.

**Part 2: procedure until/for deciding the application**

§ 4 application

(1) Applicants must be students of the Philipps-University Marburg which are entitled to a semester ticket.

(2) Requests for refunding of the semester ticket need
   1. a filled-in and signed request
   2. the original student identification
   3. all verification needed to substantiate the request

2 The request for refunding of public transport in accordance with § 2 paragraph 2 is to be submitted to the General Students’ Committee. 3 The request for solidary refunding in accordance with § 2 paragraph 4, 5 and 6 is to be submitted to the position for cases of hardship.

(3) 1 The request for refunding for a semester in accordance with § 2 paragraph 2 has to be received by the position for cases of hardship by the 14th day after the official start of lectures as declared by the current course catalogue of the university at the latest (preclusive period). 2 The request for refunding for a semester in accordance with § 2 paragraph 4, 5 and 6 has to be received by the position for cases of hardship within the first five months of the request semester. 3 Previously received requests can not be recognised. 4 The request should be submitted in written form by filling out the form of the position for cases of hardship. 5 The request can be withdrawn until a decision has been made. 6 In cases as described in paragraph 2 number 7 [health] the request and corresponding verifications can be submitted at any time during the current semester and until the preclusive period of the following semester in accordance with paragraphs 2 and 3 has ended. 7 For those students who enrolled by means of the move-up procedure, there is a preclusive period of 21 days after their enrolment to submit requests.

(4) 1 All needed verifications have to be submitted to the position for cases of hardship until the time specified in paragraph 3 at the latest. 2 They can be submitted 14 days later, if the student proves that they did not have access to the needed verifications without any fault on the student’s part. 3 Applicants are obliged to cooperate. 4 If required entries on the request or additional documents or verifications are needed to decide upon the request but are missing, the position for cases of hardship will request the submission of the required documents within a deadline of usually 14 days. 5 If the requested documents are not submitted within the deadline, the request will be declined. Applicants are obliged to submit a statement that they will not request a new semester ticket from the university’s administration in the affected semester. The statement should be submitted with the request or with additional required documents at the latest. 6 The position for cases of hardship has to point out on the request form that all collected data is to be processed as specified in these regulations to process their request and that contracting parties may inspect requests and documents on the conditions specified in these regulations.
(5) Applicants are obliged to submit a statement that they neither simultaneously request a refund respectively in accordance with § 2 paragraph 2 and § 2 paragraphs 4, 5 and 6, nor will request an additional request in accordance with § 2 paragraph 2 after their request in accordance with § 2 paragraphs 4, 5 and 6 was accepted.

§ 5 decision

(1) The General Students’ Committee immediately decides on requests and informs the applicants of the outcome in writing. 1 In case of a positive decision, there will be a devaluation as specified in § 3.

(2) 1 In case of a positive decision, there will be a devaluation, a partly devaluation or no devaluation of the semester ticket as specified in § 3 and it will be sent back with the notice. 2 In case of a negative decision, all submitted documents will be sent back; the notice of rejection is to be justified and remedies are to be mentioned. 3 The position for cases of hardship informs the applicants that they will only receive refunding if the student submits the affected ticket within 14 days after notification for devaluation and that the request is denied should the affected ticket not be devaluated in time. 4 The refund is made by credit transfer. 6 The position for cases of hardship ensures that the devalued ticket can not be replaced with a new semester ticket from the student secretariat to regain the ticket’s validity until the period of validity of the next semester ticket has begun. 7 For decisions in accordance with § 2 paragraph 2 number 6 [double enrolment] the General Students’ Committee cooperates with the position for refund of the corresponding university to ensure that refunding is only given at one of the universities.

§ 6 procedure for statements of opposition

(1) 1 Notices of rejection can be opposed by applicants at the committee for cases of hardship of the student body within one month after receiving the notice. 2 The statement of opposition has to be justified and sent to the General Students’ Committee.

(2) 1 The members of the committee for cases of hardship, which are authorised to represent, have the right to inspect necessary data of the position for cases of hardship in order to decide on a statement of opposition, to monitor the position for cases of hardship or on a different factual ground. 2 The members of the committee for cases of hardship have to be briefed on data secrecy and are bound to maintain confidentiality.

§ 7 position for cases of hardship

1 A position for cases of hardship is set up by the General Students’ Committee. 2 Officials of the position for cases of hardship are the board members of the General Students’ Committee and the General Students’ Committee’s financial board members. 3 The position for cases of hardship may appoint clerks to conduct the tasks of the position for cases of hardship. 4 Officials and clerks of the position for cases of hardship are obliged to and to be informed about data secrecy in accordance with § 9 paragraph 2. 5 Furthermore, they are to be informed that a breach of duty may lead to personal liability.

§ 8 administrative costs
The administrative costs for processing the requests in accordance with § 2 paragraph 4, 5 or 6 and costs for submitting requests are covered by the students’ contribution to the fund for cases of hardship or covered by the students’ contribution to the student body in case the contribution to the fund was not collected. No further fees are to be raised by the hardship funds.

**Part 3: documentation, data protection and inspection by RMV, NVV and VGWS**

§ 9 file management, data protection, inspection of files, retention obligation

(1) The General Students’ Committee keeps refund files separated by refunds in accordance with § 2 paragraphs 4, 5 and 6. The refund files are to be kept as paper records and may be supplemented by electronic file management.

(2) The General Students’ Committee takes technical and organisational measures to ensure data protection and, especially, ensures that unauthorized persons cannot access the files or the applicants’ data. Paper records are to be locked up. The legal requirements as specified in § 10 of Hessian data protection law (access control, data processing control, user control, access control, liability control, order control, documentation control, organisational control) are to be respected. Authorized for access are only those officials and clerks of the position for cases of hardship which are informed about data secrecy (§9 of Hessian data protection law) and which have committed themselves (or were bound) to secrecy, as well as are in need of the respective data to fulfil their duties in accordance with these regulations.

(3) The General Students’ Committee may process the following data of applicants electronically:
   a) surname,
   b) name,
   c) matriculation number,
   d) address,
   e) letters and documents from the applicants,
   f) typed depicted grounds of those persons which have received refunding, and
   g) outcome of decisions,
   h) date of devaluation of the semester ticket,
   i) date of exchange of information with the student secretariat,
   j) bank details,
   k) refunding history,
   l) date and ground of inspection by third parties.

To ensure this only those data processing systems, especially software, may be used, which enable the compliance of the technical and organisational protective measures and which were configured in a way that complies the legal requirements as specified in § 10 of Hessian data protection law (access control, user control, access control, liability control, data processing control, order control, documentation control, organisational control).

(4) The General Students’ Committee and the respective student secretariat of the university may reciprocally exchange the following data of the applicant for the purpose of determination of devaluation of the semester ticket and for the purpose of ensuring within the semester:
a) surname,
b) name,
c) matriculation number,
d) date of devaluation of the semester ticket.

1 § 16 of Hessian enrolment regulations as of 24th February 2010 and § 14 of Hessian data protection law remain unaffected. 2 The General Students’ Committee ensures that the position for cases of hardship complies with Hessian data protection law. 3 The position for cases of hardship supports the General Students’ Committee in doing so and gives all necessary information to them and, especially, supports the General Students’ Committee with preparing and updating the procedure directory. 4 Complete procedure files and data in accordance with paragraphs 3 and 4 must be kept three years. 5 The storage period begins with the end of the semester, for which a refund was made. 6 In the semester before the storage periods ends the files and data are to be offered in accordance with respective regulations of Hessian archive laws to the archive responsible, except the archive has already generally declined acquisition. 7 If the archive does not acquire the inventory, the files are to be destroyed and the data in accordance with paragraphs 3 and 4 is to be deleted.

(5) 1 Applicants can look at the file belonging to their request upon application free of charge and can request information about stored personal data about them, the purpose and legal basis of storing the data, and the origin of the data and the recipients of transmitted data, as far as that has been stored. 2 Thereby, it has to be ensured that the files and data of other applicants will not be looked at. 3 Incidentally, the legal requirements in respect of disclosure, notification, correction, deletion and blocking are specified in the respective applicable data protection law, currently §18 and §19 of Hessian data protection law.

§ 10 RMV’s, NVV’s and VGWS’ right of inspection

1 The contracting parties can inspect refunding methods of the General Students’ Committee by means of instructed employees according to § 2 and 4. 2 The contracting parties may announce their respective audits to the General Students’ Committee. 3 The announcement of the audit has to specify,

1. for which reasons the audit is conducted,
2. which doubts on the refunding methods exist,
3. in which way the RMV, NVV or VGWS has tried to bilaterally clarify the doubts,
4. the focus of the audit, especially, which specific cases of refunding should be inspected and
5. which named employees of the RMV, NVV or VGWS will conduct the audit.

4 The General Students’ Committee checks if the doubts have already been clarified bilaterally and if the request is overall limited to clarify the named doubts. 5 The General Students’ Committee issues a prompt notice about their permit for audit. 6 If the audit is permitted by the General Students’ Committee, the named conducting employees of the RMV, NVV and VGWS are to be informed about data secrecy and to be bound to secrecy. 7 If the audit is declined by the General Students’ Committee, legal remedies are to be mentioned in the notice. 8 The position for cases of hardship provides needed files for the audit. 9 In doing so, they ensure that only the files appropriate to clarify the doubts are provided and that no files from other applicants will be looked at. 10 The audit takes place in the rooms of the position of hardship during usual working hours. 11 The files or corresponding copies may not be carried out of the
rooms for inspection. 12 The audit is to be supervised by the position for cases of hardship. 13 The contracting parties pay all costs of the audit. 14 The General Students’ Committee issues a notice to the contracting parties on the basis of the actual costs of the application review and of providing the files needed.

§ 11 statistics

1 The position for cases of hardship creates statistics every semester, which includes refunds divided by grounds for refunding as specified in § 2 paragraphs 1 and 2 and the number of rejections. 2 The position for cases of hardship forwards these statistics to the General Students’ Committee after the refunding has ended but at the latest until the 1st June in the summer term and the 1st December in the winter term.

§ 12 fund for cases of hardship

(1) 1 The student body sets up a special contribution-based General Students’ Committee fund. 2 This fund is used to pay the refunding of the contributions towards the semester ticket in special cases on the basis of these regulations and to settle the costs in accordance with § 8. 3 The semester ticket includes all transport associations with which the General Students’ Committee has entered into a contract.

(2) 1 The fund for cases of hardship is to be mentioned in the budget plan of the student body in the plan for sustainable student mobility. 2 In that plan, revenue arising from levied contributions toward sustainable student mobility, revenue arising from interest on said contributions, transfers from the general budget plan and contributions from the separately levied contributions for the fund for cases of hardship are to be budgeted as revenues. 3 Regarding the fund expenses, payments to transport associations, refunds in accordance with § 2 paragraph 2, refunds in accordance with § 2 paragraph 3 and additional costs are to be budgeted separately. 4 The title of expenditure of refunds in accordance with § 2 and the title of expenditure of buying the semester ticket are to be arranged as mutually eligible for cover. 5 The title of expenditure of refunds in accordance with § 2 paragraph 2 is to be arranged as not eligible for cover with any other title. 6 The position for cases of hardship notes on the requests which transport associations refund the respective contribution and which respective contributions are refunded by the fund for cases of hardship.

(3) 1 Remaining money from the fund for cases of hardship are to be promptly provided for the fund for cases of hardship as revenue in the following financial year. 2 That money is to be used to refund cases of hardship with priority over other revenues of the fund for cases of hardship.

§ 13 changes of previous laws; coming into effect

1 The regulations of the student body of the Philipps-University Marburg concerning refunds as of 20th July 2011, changed on 18th September 2013 and on 19th November 2015, is changed into effect on 21st July 2017.

2 Undecided requests concerning the summer term 2017 will be decided in accordance with previous regulations after this date. 3 These regulations come into effect on 6th February 2018.